THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.19471 of 1997

Dated: 26-07-2006

Between:

B.S.R. Gupta

..... PETITIONER

AND

A.P. State Electricity Board, Hyderabad, and three others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.19471 of 1997

ORDER:

The petitioner was appointed as Steno-Typist in the Andhra Pradesh State Electricity Board, now A.P. TRANSCO (the Board, for brevity) on 27-01-1976. After completion of 10 years of service in that cadre, he was given Special Grade Scale of Pay under Automatic Advancement Scheme (the scheme, for brevity). Again when he completed fifteen years of service, he was given Special Promotion Post Scale I (SPP Scale I) under the scheme with effect from 28-01-1991 by proceedings dated 21-05-1992. In the meanwhile, second respondent issued proceedings on 25-01-1991 promoting the petitioner to the post of Upper Division Clerk (UDC) in which post he duly joined and was subsequently promoted as Junior Accounts Officer. It appears that the audit party raised an objection with regard to the promotion of the petitioner as UDC and also grant of SPP Scale I. Therefore the second respondent issued impugned memo/order dated 12-06-1997 cancelling the earlier orders dated 21-05-1992 and 01-09-1992, whereby and whereunder the petitioner was given SPP Scale I. This order is assailed in the present writ petition.

The Superintending Engineer (Operation Circle) has filed counter-affidavit. It is stated that the petitioner, after completion of fifteen years of service as Typist, was given SPP Scale I with effect from 28-01-1991 as per the proceedings dated 21-05-1992 and accordingly pay fixation was arrived. However, the petitioner was promoted as UDC by proceedings 25-01-1991, which were served on the petitioner on 29-01-1991. The petitioner was relieved on 02-03-1991 and joined as UDC on 07-03-1991. It is averred that grant of SPP Scale I to the petitioner with effect from 28-01-1991 is not in order as he was already promoted as UDC with effect from 25-01-1991, on regular basis.

The learned counsel for the petitioner strenuously contends that the petitioner was given SPP Scale I by proceedings dated 21-05-1992 and therefore, it is arbitrary on the part of the second respondent to cancel the same. According to the learned counsel, even if promotion to the post of UDC was ordered, the petitioner cannot be denied SPP Scale I in the lower cadre, which was given to other employees.

Per contra, the learned standing counsel for the Board submits that the Board has introduced the scheme applicable to those employees who put in 10/15/22 years of service but could not get promotion. As per the scheme those employees who get promotion are not entitled for SPP Scale I.

The admitted facts in the case are these. The petitioner was promoted to the post of UDC by proceedings of the second respondent dated 25-01-1991 and was directed to report duty to the Assistant Accounts Officer/ERO, Palakonda. He was relieved on 02-03-1991 whereafter he joined as UDC on 07-03-1991 at Palakonda. This is not denied. On the date of proceedings dated 21-05-1992 issued by second respondent granting SPP Scale I to the petitioner and another employee, even it is after fifteen years, the petitioner was no more working as Typist. He was admittedly discharging the duties as UDC in the office of the Assistant Accounts Officer/ERO, Palakonda. The petitioner was given such benefit with effect from 28-01-1991 in the time scale of Rs.1470-50-2020-60-2620. Though proceedings were issued on 21-05-1992, by reason of the fact that the petitioner was given SPP Scale I with effect from 28-01-1991, by which date he was promoted to the post of UDC, the very order of the second respondent granting SPP Scale I insofar as the petitioner is concerned, is obviously a mistake. When this was pointed out by the audit party, having realized the mistake, the impugned order dated 12-06-1997 was issued. For the sake of clarity, be it mentioned that the petitioner was promoted by proceedings dated 25-01-1991 to the post of UDC and therefore, he could not have been given SPP Scale I with effect from 28-01-1991. As rightly pointed out by the learned standing counsel, the object of the scheme is to mitigate hardship of those employees who stagnate in the lower cadre for years together. The scheme is intended to give the benefit of SPP Scale I to the employee, who could not be promoted to higher cadre even after long years of service, but not to the employees, who regularly get promotions to the higher cadre. This Court, therefore, does not find any infirmity in the impugned memo/order dated 12-06-1997.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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V.V.S.RAO, J

26th July 2006
ghn